

CHARTER TOWNSHIP OF FILER
ZONING BOARD OF APPEALS PUBLIC HEARING
FILER TOWNSHIP HALL
2505 FILER CITY RD.
Manistee, Michigan 49660
June 13, 2019

Present: Jennifer Williams, Elizabeth Allen, Lynn Kooyers

Also Present: Larry Thompson, Zoning Administrator, Richard Wilson, Township Attorney and Brian Williams, Applicant

Meeting called to order by Chairperson Williams and Pledge of Allegiance at 4:00 p.m.

Election of Officers: Motion by Allen, seconded by Kooyers to nominate Jennifer Williams as Chair. All in favor. M/C

Motion by Williams, seconded by Kooyers to nominate Allen as Secretary. All in favor. M/C

Motion by Allen, supported by Williams to approve the minutes of the meeting held on June 27, 2017 as presented. All in favor. M/C

Case #356-19 Brian Williams
 PO Box 436
 Manistee, MI 49660, Filer Township, Manistee County
 Parcel #51-06-125-100-00

Variance Request - Zoning Administrator Thompson stated the variance requested.

Applicant is seeking a variance from the Charter Township of Filer Code of Ordinances Article 80, 31.80.8010 Substandard Nonconforming Lot of Record, to construct a residence on a non-conforming parcel. Parcel is zoned Agricultural Residential and requires 5 acres. If granted, this variance would allow a home to be built on a 2.55-acre parcel.

Parcel has been divided many times prior to this lot. Hardship was not created by petitioner. Township never made inquiry concerning the many divisions, as noted by Township Attorney Wilson. The four provisions of this Ordinance have been met by the petitioner.

Zoning Administrator Thompson informed the Commission that the Zoning Office received no letters regarding this application.

Comments

Zoning Administrator Thompson gave a brief summary of the application: The requirement to construct a dwelling or structure is 5 acres in Agricultural Residential District. Mr. Williams owns 2.55M/L. He received this property from his parents. This non-conforming parcel was not self-made by Mr. Williams. It was that size when he received it. His request is to construct a main dwelling on that property with less than the 5-acre requirement. There is no site plan or building size at this time. But he does understand if he is granted the variance, he must purchase a Land Use Permit and meet all required setbacks for that district. He also stated there are other

dwellings in the same area that are also less than 5 acres. He does have some history on the parcel.

Application Summary: Brian Williams is requesting a variance to construct a dwelling on a 2.55-acre parcel which requires 5 acres. Location of Parcel #51-06-125-100-00, no address at this time. It is located on West Preuss Road. The parcel is in Agricultural Residential District which is under Article 37,31.37.3702 Permitted Uses A. states any dwelling or accessory building requires 5 acres to build on. The present owner did not make it a self-made parcel he inherited the property from his parents and there are no structures on the property at this time. He is the sole owner of the property now. If the variance is granted it would not change character of the area. There are 9 other parcels under the 5-acer requirement in the vicinity of his property that is also in the Agricultural District. Granting the variance should not be contrary to the County or Township Development Plans or to the purpose of the Zoning Ordinance. The reason is it already exist and is non-conforming parcel. There would not be any impact to the surrounding area. The property has a long history of being less than 5 acres. Article 96 of the Board of Appeals, Section 31.96.9603 Variance. (See Attached 12 Conditions)

Discussion: It was brought up the parcel was 3 ½ acres in 1950 meaning the parcel was nonconforming prior to zoning. But the parcel was split again years later after zoning was in place. This left the parcel at 2.55 acres M/L. Filer Township had no record of the split. Which it would have made it more nonconforming? The zoning in that district requires 5 acres to build on and that ordinance was done in 1954. Mr. Wilson, Township Attorney, agreed that the parcel was a nonconforming parcel with 3.5 acres and even though it was split after zoning, it was less than 5 acres prior to zoning. Plus Mr. Williams did not cause the nonconformity. -Larry Thompson

Public Comment

Chairman Williams called for public comment.

Motion by Allen, seconded by Williams to grant the request to allow construction of a single-family residence subject to meeting all other standards in the ordinance. All in favor. M/C.

Motion by Allen, seconded by Williams to adjourn the hearing. All in favor. M/C

Hearing adjourned at 4:30 p.m.

Respectfully submitted,

Elizabeth Allen, Secretary
Zoning Board of Appeals